

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

IN RE: HASTINGS ACQUISITION LLC,
LINCOLN PROVISION, INC.

Plaintiff,

v.

ARON PURETZ,

Defendant,

and

HASTINGS ACQUISITION LLC,

Nominal Defendant.

No. 8:10-cv-00344

**DEFENDANTS' STATEMENT OF
OBJECTIONS TO MAGISTRATE
JUDGE'S ORDER ON MOTION FOR
DISQUALIFICATION -NECESSARY
WITNESS**

COMES NOW Defendants Aron Poretz, and Hastings Acquisition, LLC (collectively "Poretz"), pursuant to Fed. R. Civ. P. 72(a) and NELR 72.2(a), and hereby object to the Order dated July 5, 2011 ("Order") (Filing 42) entered by U.S. Magistrate Judge F. A. Gossett denying the Motion to Disqualify Plaintiff's Counsel – Necessary Witness (Filing 30).

The specific parts of the Order to which Poretz objects are the following findings of fact and/or conclusions of law: (a) "Domina's disqualification does not appear to be necessary at this time"(Order at 5); (b) "any evidence sought to be elicited from Domina is available elsewhere [and] [i]t is not apparent that there is relevant, disputed information that Domina possesses, which others do not" (Order at 5); (c) "there is no indication that Domina acted as anything but a conduit in communicating his client's wishes during the negotiation process" (Order at 5); (d) "there is no dispute concerning the meaning or interpretation of the agreement" (Order at 5);

(e) “[w]ith respect to Defendants’ complaints regarding deadlines and unresponsiveness, this information is largely documented in written communications exchanged between Domina and Rimberg and others” (Order at 5) and (f) “at this point, there is no information as to whether any relevant portions of the[] conversations [between Domina and Rimburg] are in dispute” (Order at 5).

The legal basis for Puretz’s objection is the foregoing findings of fact and/or conclusions of law in the Order are clearly erroneous and/or contrary to law. *See* Fed. R. Civ. P 72 (a)

Dated this 15th day of July, 2011.

ARON PURETZ AND HASTINGS
ACQUISITION LLC, Defendants

By: /s/ Bartholomew L. McLeay
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CERTIFICATE OF SERVICE

I hereby certify that on July 15, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notice of such filing to the following:

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